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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR00-546-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 MICHAEL CHARLES ROWE,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 A hearing on supervised release revocation in this case was scheduled before me on
15 September 17, 2008. The United States was represented by AUSA Susan M. Roe and the
16 defendant by Stephan R. Illa. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about July 6, 2001, by the Honorable Marsha J.
18 Pechman on two counts of Bank Robbery, and sentenced to 85 months custody, 3 years
19 supervised release. (Dkt. 49.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,
22 participate in a drug program, abstain from alcohol, submit to search, participate in a mental health

01 program, pay restitution in the amount of \$4,001, provide access to financial information, be
02 prohibited from obtaining new lines of credit or new credit obligations without approval, and be
03 prohibited from possessing identification documents in any but his true name.

04 On September 25, 2007, defendant admitted to violating the conditions of supervised
05 release by consuming alcohol, failing to provide a urine sample, and consuming cocaine. (Dkt.
06 62.) On October 10, 2007, defendant admitted a fourth violation, although the nature of the
07 violation is not set forth in the record. (Dkt. 67.) Sentencing was deferred pending further
08 supervision of the defendant (Dkt. 68), and the sentencing hearing was finally stricken.

09 In an application dated September 5, 2008 (Dkt. 70), U.S. Probation Officer Steven R.
10 Gregoryk alleged the following violations of the conditions of supervised release:

- 11 1. Using cocaine on or before July 15, 2008, in violation of standard condition No.
12 7.
- 13 2. Committing the crime of driving under the influence on or about July 7, 2008, in
14 violation of the general term of supervision which states that the defendant shall not commit
15 another federal, state, or local crime.

16 In an application dated September 12, 2008 (Dkt. 73), U.S. Probation Officer Steven R.
17 Gregoryk alleged the following additional violation of the conditions of supervised release:

- 18 3. Associating with a known felon, Kenneth Burnett, on September 12, 2008, in
19 violation of standard condition No. 9.

20 Defendant was advised in full as to those charges and as to his constitutional rights.

21 Defendant admitted the alleged violations and waived any evidentiary hearing as to
22 whether they occurred.

01 I therefore recommend the Court find defendant violated his supervised release as alleged,
02 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
03 set before Judge Pechman.

04 Pending a final determination by the Court, defendant has been released on the conditions
05 of supervision, plus home detention with electronic monitoring or passive GPS, to include a
06 sobriety.

07 DATED this 17th day of September, 2008.

08 
09 Mary Alice Theiler
10 United States Magistrate Judge

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12 cc: District Judge: Honorable Marsha J. Pechman
13 AUSA: Susan M. Roe
14 Defendant's attorney: Stephan R. Illa
15 Probation officer: Steven R. Gregoryk
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